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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,044	09/13/2003	David J. Laverick	702.270	1972
38933	7590	12/29/2008		
GARMIN LTD. C/O GARMIN INTERNATIONAL, INC. ATTN: Legal - IP 1200 EAST 151ST STREET OLATHE, KS 66062			EXAMINER DIACOU, ARI M	
			ART UNIT 3663	PAPER NUMBER
			NOTIFICATION DATE 12/29/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATENTS@GARMIN.COM

<b>Office Action Summary</b>	<b>Application No.</b> 10/663,044	<b>Applicant(s)</b> LAVERICK ET AL.	
	<b>Examiner</b> ARI M. DIACOU	<b>Art Unit</b> 3663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-6,8-35 and 37-46 is/are pending in the application.
- 4a) Of the above claim(s) 9-12 and 15-29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-6,8,13,14,30-35,37-42 and 44-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8-20-2008</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Prosecution Application***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9-24-2008 has been entered.

### ***Response to Arguments***

2. In the remarks filed 9-24-2008, applicant argued the following:
- A. On pages 8-10, that "simply placing a navigation device (which includes its own speaker) within Trumbull's tray does not result in a carrying case including a speaker to generate sound from signals provided by a navigation device--as is recited in the independent claims. Applicant notes that the "navigation device" and "carrying case" are recited separately in each of the independent claims and the claimed speaker is recited as part of the carrying case and not part of the navigation device. In the Examiner's combination, the speaker is part of the navigation device."
3. Argument A is unconvincing. The applicant has not sufficiently claimed the differences between the invention and the prior art. Applicant merely claims "wherein

the case...**includes** a speaker,” making no mention of the wire arrangement between the navigation device, the case, the speaker and the tray. Since the case of encloses or includes the navigation device, and the navigation device includes a speaker, the case therefore includes the speaker.

### ***Response to Arguments***

4. In the remarks filed 9-24-2008, applicant argued that the cited art fails to teach or suggest all aspects of the claimed invention. These arguments are rendered moot in view of the new grounds of rejection which has been necessitated by amendment.

### ***Claim Rejections - 35 USC § 103***

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 1,3-6,8,14,31-35,38,40,41,45 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eggert (USP No. 5001779) in view of Schoenfish (USP No. 6370037). Eggert discloses a removable carrying case that encloses an audio device which attaches to a motorcycle, but fails to disclose that the carrying case fits in a tray in the dashboard of a vehicle, or that the carrying case includes a navigational device. Schoenfish discloses a navigational device that removably fits in a tray in the dashboard of a vehicle, but fails to disclose that the navigational device is enclosed in a carrying case, or that the navigational device or carrying case has speakers. It would have been obvious to combine the teachings of Schoenfish into the device of Eggert to arrive at a

removable audio system that did not involve the cumbersome straps of Eggert, but instead the locking mechanism of Schoenfish. Further, it would have been obvious to combine the teachings of Eggert into the device of Schoenfish (replacing Schoenfish #14 with Eggert #42) to arrive at a removable audio system could play audio from a GPS combined with an entertainment device, as suggested by Schoenfish [Col. 1, lines 18-22]. The following is rendered obvious by the combination of Schoenfish and Eggert:

- Regarding claim 1, A navigation assembly for use in a vehicle comprising:
  - a navigational device[ s, #12]; and
  - a carrying case [e #42] sized and configured to removably [e, Col. 1, lines 22-31] [s, Fig. 2] fit substantially within a tray [s, #16] recessed downwardly [a, Fig. 3] within a top surface of a dashboard [s, Col. 5, lines 4-8] running along a windshield [e, Fig. 1, #38, Col. 2, lines 51-55] of the vehicle and configured to substantially enclose all sides of the navigational device [e, Fig. 1, #50 and #60], wherein the case [e, #10] is configured to conform to the tray [s, #16] and includes a speaker [e, #46] operable to generate sound corresponding to signals provided by the navigation device [in the combination, the GPS #12 of s can replace audio system #44 of Eggert]
- Regarding claim 31, Schoenfish and Eggert disclose a navigation assembly for use in a vehicle comprising:
  - a navigational device[ s, #12]; and

- a carrying case [e #42] sized and configured to conform [s, Fig. 2] to a tray [s, #16] recessed downwardly [s, Fig. 3] within a top surface of a dashboard [s, Col. 5, lines 4-8] running along a windshield of the vehicle [e, Fig. 1, #38, Col. 2, lines 51-55], wherein the carrying case [e #42] is configured to substantially and removably [e, Col. 1, lines 22-31] [s, Fig. 2] enclose all sides of the navigational device [e, Fig. 1, #50 and #60] and is adapted to be removed from the tray [s, Fig. 2] with the navigational device substantially enclosed therein [in the combination, the GPS #12 of s can replace audio system #44 of Eggert],
- the carrying case [e #42] further including a speaker [e, #46] operable to generate sound corresponding to signals provided by the navigation device [in the combination, the GPS #12 of s can replace audio system #44 of Eggert]
- Regarding claim 40, Schoenfish and Eggert disclose a navigation assembly for use in a vehicle comprising:
  - a navigational device[ s, #12]; and
  - a carrying case [e #42] configured to substantially enclose all sides [e, Fig. 1, #50 and #60] of the navigational device [in the combination, the GPS #12 of s can replace audio system #44 of Eggert], the case [e #42] being sized and configured to fit within a tray [s, Fig. 2] on a dashboard [s, Col. 5, lines 4-8] of the vehicle such that the case does not move within the tray and is held firmly in place by gravity and the close conformity of the

case to the tray [s, Figs. 3 and 4, Col. 2, lines 28-50, and Col. 4, lines 45-62].

- the carrying case [e #42] further including a speaker [e, #46] operable to generate sound corresponding to signals provided by the navigation device [in the combination, the GPS #12 of s can replace audio system #44 of Eggert]
- Regarding claims 3 and 32, Schoenfish discloses [Fig. 2, #16 and #68].
- Regarding claims 4 and 33, Schoenfish discloses [Col. 5, lines 14-16] and Eggert discloses [Col. 4, lines 35-40].
- Regarding claims 5, 34 and 45, Eggert discloses Col. 3, lines 2-12.
- Regarding claims 6, 35 and 46, Schoenfish discloses #12 (in the combination, the GPS #12 of s can replace audio system #44 of Eggert).
- Regarding claim 8, Eggert discloses [Fig. 1] (in the combination, the GPS #12 of s can replace audio system #44 of Eggert).
- Regarding claims 14 and 38, the limitations thereof are inherent to all GPS devices disclosed by Schoenfish.
- Regarding claim 41, Schoenfish and Eggert disclose a tray [s, #16] recessed downwardly [s, Fig. 3] within a top surface of a dashboard [s, Col. 5, lines 4-8] running along a windshield [e, Fig. 1, #38, Col. 2, lines 51-55] of the vehicle.

7. Claims 13, 30, 37, 39, 42 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schoenfish and Eggert above, and further in view of Iredale (USP No. 6,392,877). Schoenfish and Eggert teach all the aspects of the invention in claims

1, 31 and 40, but fail to disclose a case that encloses the speakers, a navigation device that pivots, or that the lid would rest on the pivoted navigation device. Iredale teaches a display for a laptop that better facilitates presentation [Fig. 2], and protects the screen of the laptop when not in use. Therefore, it would have been obvious design choice of one of skill in the art (e.g. an ergonomic engineer) at the time the invention was made, to use a the hinging protection mechanism of Iredale over the hinging protection mechanism of Eggert for the advantage of adapting the viewing angle to that of a car rather than a motorcycle.

### ***Conclusion***

8. The references made herein are done so for the convenience of the applicant. They are in no way intended to be limiting. The prior art should be considered in its entirety.

9. The prior art which is cited but not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ari M. Diacou whose telephone number is (571) 272-5591. The examiner can normally be reached on Monday - Friday, 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on (571) 272-6878. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Art Unit: 3663

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/A. M. D./

Examiner, Art Unit 3663

25-Dec-08

/Jack W. Keith/

Supervisory Patent Examiner, Art Unit 3663